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6 Attorneys for Plaintiffs

7
8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 GIL CROSTHWAITE, et al., as Trustees of the
OPERATING ENGINEERS HEALTH AND
12 WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA, et al.

13 Plaintiffs,

14 v.

15 OLIVER TRANSBAY CONSTRUCTION,
16 INC., a California Corporation; and FRANK
OLIVER, an Individual,

17 Defendants.
18

Case No.: C08-5548 WHA

**AMENDED NOTICE OF VOLUNTARY
DISMISSAL AND ORDER**

19 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), Plaintiffs GIL
20 CROSTHWAITE and RUSS BURNS, in their respective capacities as Trustees of the
21 OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN
22 CALIFORNIA, et al., voluntarily dismiss, without prejudice, their claim against Defendants
23 OLIVER TRANSBAY CONSTRUCTION, INC., and FRANK OLIVER. Defendants have paid
24 all amounts claimed by Plaintiffs, and Plaintiffs previously dismissed this action against
25 Defendants, conditioned on bank clearance of Defendants' check.

26 It is now requested that this action be dismissed without prejudice.

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28 ///

1 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above
2 entitled action, and that the foregoing is true of my own knowledge.

3 Executed this 8th day of July, 2009, at San Francisco, California.

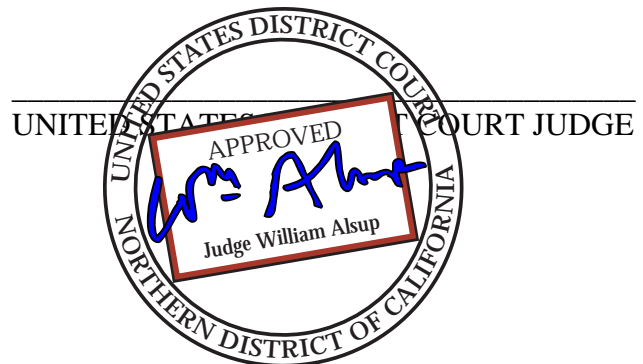
4 SALTZMAN & JOHNSON
5 LAW CORPORATION

6 By: _____/s/_____
7 Muriel B. Kaplan
8 Attorneys for Plaintiffs

9 IT IS SO ORDERED.

10 This case is dismissed without prejudice.

11
12 Date: July 8, 2009.



PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On July 8, 2009, I served the following document(s):

AMENDED NOTICE OF VOLUNTARY DISMISSAL

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Frank Oliver
Agent of Service of Process
Oliver Transbay Construction
1485 Bayshore Blvd., Suite 421
San Francisco, CA 94124**

**Frank Oliver
1485 Bayshore Blvd., Suite 421
San Francisco, CA 94124**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 8th day of July, 2009, at San Francisco, California.

/s/
Qui X. Lu